

Merton Council
Licensing Sub-Committee
31 July 2017
Supplementary agenda

5 Additional Correspondence: 14 Leopold Road

1 - 18

This page is intentionally left blank

LICENSING

PROPOSED

OPERATING SCHEDULE
CONDITIONS

14 LEOPOLD ROAD

LONDON

SW19 7BD

Crime and Disorder

The Licensee may authorize in writing a Duty Manager, who shall be at least 18 years old, to deputise for him/her. This written authorization shall be kept on the premises and shall be readily available for examination by any Authorised Officer. The Licensee must be satisfied that anyone appointed as a Duty Manager understands the need to comply with the conditions of the licence and is competent to perform the functions of Duty Manager.

All staff involved in the sale of alcohol shall be trained in the responsible retailing of alcohol. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

If a pub watch is in operation in the local area management of the premises will join the pub watch and implement any initiatives that pub watch recommends.

The premises will operate a **ZERO** tolerance approach to drugs. Drugs will not be permitted into the premises. Any detection of drug use within the premises will immediately be informed to the police and recorded in the premises incident record log book.

Substantial food will be made available to all patrons at the premises when the sale of alcohol takes place at the premises.

Protection of Children From Harm

Children under 18 will only be permitted into the premises under the supervision of an adult.

Regular staff meetings shall be held at the premises to discuss underage drinking, the laws attached and any updates in regards to the licensing Act 2003.

Public Nuisance

The Sale of Alcohol Monday to Saturday at the premises will cease at 23:00hrs with a 30 minute dispersal time with all patrons off the premises by 23:30hrs.

The Sale of Alcohol on Sunday at the premises will cease at 22:30hrs with a 30 minute dispersal time with all patrons off the premises by 23:00hrs.

A private hire company number will be clearly advertised at the premises for patrons to book a taxi home.

A daily designated member of staff will manage the booking service of private hire vehicles for patrons use. All bookings will be recorded in a log book and available for inspection by a police officer or authorized officer of the council immediately upon request.

A duty managers mobile number / email will be visible and on display to members of the public / patrons to raise any complaints in relation to the operation of the premises.

The licensees shall ensure that a suitable person will be designated with the duty and responsibility to inspect the immediate vicinity of the premises and neighborhood at regular periods for any Anti Social Behaviour (ASB) the licensee shall take all

reasonable steps to ensure patrons of the premises do not cause ASB to the detriment of local resident's.

There shall be no movement of commercial waste at the premises between the hours of 22:30hrs and 08.00am on the following day.

At the end of the terminal hour of licensable activities at the premises. Staff will carry out a check of the exterior of the premises and sweep and collect any discarded litter attributable from the operation of the premises. Additionally staff will monitor the perimeter of the premises continually throughout the day and dispose of any discarded litter.

Notices regarding noise nuisance shall be displayed at prominent and visible locations within the premises.

The licensee shall ensure that no noise or vibration associated with any licensable activities emanating from the licensed premises is perceptible at or

within the site boundary of any adjoining residential accommodation.

The licensee shall arrange, using all reasonable endeavours, 1 meetings each year with local residents and residents association's in the immediate vicinity of the premises (at their own expense) to discuss matters of mutual concern. The minutes of which shall be circulated to all those attending and the Council.

Public Safety

A fire log book shall be kept at the premises. The details of any outbreak of fire at the premises and any subsequent action taken shall be recorded in the fire log book. The fire log book shall be made available to officers of the council, police or fire brigade on request

Fire extinguishers will be checked annually and an inspection sheet detailing these inspections will be made available to a fire officer or officers from the council or police.

Sufficient portable fire - fight equipment of a type suitable in respect of the operation of the premises shall be kept at the premises in unobstructed and easily accessible locations.

Staff shall be trained in the use of the fire fighting equipment and a record of such training (including the date of the training, and the names and signatures of the trainee and trainer) shall be kept in the fire log book.

The fire alarm system shall be maintained in full working order. The system shall be tested weekly and the details of any checks, tests and inspections in respect of the alarm shall be recorded in the fire log book.

The Licensee / Duty Manager shall ensure that all necessary safety checks have been carried out before the admission of the public

All escape routes and exits including external exits shall be maintained unobstructed, in good order with non- slippery and even surfaces, free of trip hazards and clearly identified in accordance with

the approved arrangements.

Public Health

Management of the premises will initiate and implement any Public Health initiatives at the premises.

The premises will operate a **ZERO** tolerance approach to excessive drinking. Highly intoxicated patrons will not be permitted / asked to leave the premises. Any such incidents will be logged and recorded in the premises incident record log book.

-----Original Message-----

From: Ruben Osie

Sent: 16 July 2017 15:05

To:

Cc:

Subject: 14 LEOPOLD ROAD LICENSING APPLICATION - PROPOSED CONDITIONS

Dear Sir / Madam,

I have been asked to provide assistance and representation for the licensing application which has been submitted for 14 Leopold Road, Wimbledon, SW19 7BD.

Firstly, I would like to thank the WHERA for their objection and proposed operating schedule conditions which we believe are concise and will significantly promote the licensing objectives at this premises.

I note that an email was sent to the WHERA accepting their proposed conditions. Unfortunately no response has been received in respect of acceptance of the proposed conditions and amendment of our operating schedule to incorporate the conditions proposed by the WHERA.

Having looked at the conditions which we originally proposed in our licensing application operating schedule and the conditions which we have now accepted from the WHERA. I believe that we can also further amend our operating schedule to promote the licensing objectives and simultaneously address any concerns which the WHERA may have.

Please find attached for the consideration of the WHERA further proposed conditions which we would also like to incorporate in our licensing application operating schedule.

I trust that you will agree that these additional conditions will be robust and onerous on management of the premises and promote the licensing objectives. As you are aware each licensing application must be judged on its own individual merits. I believe that the assistance of the WHERA in this matter and the conciliation process has now achieved a strong and merited operating schedule and licensing application.

I trust that the additional proposed operating schedule conditions will now be given consideration by the WHERA.

I now look forward to discussion with the WHERA and hope that agreement can be reached.

It would be helpful if you could provide a contact telephone number if you feel that it would be more expedient to discuss this matter on the phone. I now look forward to discussion with the WHERA in regards to this matter.

Many thanks

Mr Ruben Osie

-----Original Message-----

From: Ruben Osie

Sent: 17 July 2017 09:21

To:

Cc: Licensing; Amy Dumitrescu; Elizabeth Macdonald

Subject: Fw: 14 LEOPOLD ROAD LICENSING APPLICATION - PROPOSED CONDITIONS

Dear Sir / Madam

I do hope the WEHRA have now had an opportunity to review the conditions which we have proposed.

In regards to the sale of alcohol I would like to confirm that we are seeking a terminal hour for the sale of alcohol;

Monday to Saturday - 23:00hrs with a 30 minute dispersal time bringing us to 23:30hrs then allowing a 30 minute period for staff to tidy up and carry out any necessary security and till checks to then be off site by 00:00hrs.

Sunday - 22:30hrs with a 30 minute dispersal time bringing us to 23:00hrs then allowing a 30 minute period for staff to tidy up and carry out any necessary security checks to then be off site by 23:30hrs.

As you are aware opening hours for a licensed premises is not regarded as a licensable activity.

We are however mindful that we do not wish to cause any unnecessary concern to residents living in the immediate vicinity of the premises. This is I believe supported by the robust conditions now jointly proposed with the helpful assistance of the WEHRA.

I now look forward to discussion with the WEHRA on this matter.

It would be helpful if you could provide a contact number for a representative of the WEHRA.

Many thanks

Mr Ruben Osie

This page is intentionally left blank

Sent: Monday, July 17, 2017 at 9:57 AM
From:
To:
Cc:
Subject: Re: 14 LEOPOLD ROAD LICENSING APPLICATION - PROPOSED
CONDITIONS

Thank you for your email. I haven't time to properly review this for a few days, but from what I gather, your proposed dispersal times are not going to be acceptable. Would you please amend to weekdays at 11 pm, full stop, i.e.:no extra 30 minutes from Sunday until Thursday. Perhaps on Friday/Saturday that would be acceptable, i.e. dispersal time ending at 11:30 pm.

Would you consider those terms?

Kind regards,
Leigh Terrafranca, for WEHRA

-----Original Message-----

From:
Sent: 17 July 2017 09:52
To:
Cc:; Licensing; Amy Dumitrescu; Elizabeth Macdonald
Subject: Re: 14 LEOPOLD ROAD LICENSING APPLICATION - PROPOSED
CONDITIONS

Dear Leigh Terrafranca,

Many thanks for your email and your continued assistance in this matter.

To explain in summary the rationale behind the 30 minute dispersal policy is so that dispersal is staggered and that there is not a sudden surge of patrons leaving the premises.

Our aim and I am sure the WEHRA support us in this view, we wish to ensure minimal disturbance to local residents in the immediate vicinity to our premises.

To achieve this we wish to have a staggered dispersal from our premises. I note that the Police, Environmental Health as well as Public Health have not objected to this.

This practice is now regarded as best practice at licensed premises and it would appear that the responsible authorities trusted with promoting the licensing objectives of Crime and Disorder / Public Nuisance / Public Health would also agree with this.

As you are aware the WEHRA does have the remedy of Review should any issues be caused by having a 30 minute dispersal at the premises. As you are aware each licensing application must be judged on its merits in conjunction with the operating schedule which would be used to manage a licensed premises and promote the licensing objectives.

It would be helpful if the WEHRA could confirm if our proposed conditions have now been accepted.

I would also like to confirm again via email that the conditions proposed by the WEHRA in their objection have been accepted and we are happy for those conditions to be incorporated in our licensing application operating schedule.

It would be helpful if we could discuss this matter on the phone for expedience.

I have provided my contact number to you.

Regards

Ruben Osie

-----Original Message-----

From: Ruben Osie

Sent: 19 July 2017 18:59

To: Leigh's iphone

Cc: Licensing; Amy Dumitrescu; Elizabeth Macdonald;

Subject: Re: 14 LEOPOLD ROAD LICENSING APPLICATION - PROPOSED CONDITIONS

Dear Leigh Terrafranca

Many thanks for your email and continued assistance in this matter.

I would like to thank you for confirming that our proposed conditions are 'satisfactory'.

It would be helpful if the licensing team could advise the Members of the licensing sub committee prior to the commencement of a licensing sub committee hearing that agreement has been reached on conditions on the basis that our additional proposed operating schedule conditions are 'satisfactory'.

I would like to state that the hours we have proposed with a dispersal period of 30 minutes is in our belief a measure which will assist in causing the least possible disturbance to local residents in the immediate vicinity of our premises.

We are not entirely sure why the WEHRA would not welcome a staggered dispersal ?

By limiting the dispersal time as suggested by the WEHRA we believe that this would actually be counter productive. Our aim is to have a staggered dispersal so there is not a sudden exodus of patrons from our premises which is regarded as best practice. The hours which we are seeking with dispersal are regarded in the context of licensing as old traditional pub hours.

Please note previous decisions by the the licensing sub committee have actually implemented this procedure of dispersal for similar identical hours which have been granted with less robust and 'satisfactory' operating schedule conditions which we are now proposing.

I note the comments on waste by the WEHRA in the below email from the WEHRA. As you are aware we have voluntarily provided to the WEHRA 'satisfactory' conditions in relation to public nuisance which deal with waste management at the premises.

I also note the comments from the WEHRA in relation to patrols which I assume they mean Police patrols. Again please note that we have provided 'satisfactory' robust and onerous conditions in respect of Crime and Disorder to the WEHRA.

I would like it noted that the Police who are responsible for the promotion of the licensing objective Crime and Disorder have not objected to this application.

Additionally the Environmental Health Team and Public Health Team who focus their attention on Public Nuisance and Public Health have not objected to this application.

At this stage, with respect I believe that the matter of dispersal will need to be decided at a licensing sub committee hearing. This is unfortunate especially as this matter focuses on a period when no licensable activities will be taking place at our premises.

As per my previous email opening hours of a premises are not a licensable activity under definition and by virtue of the Licensing Act 2003. The element of dispersal is to support our 'satisfactory' operating schedule conditions which we have reached agreement on with the WEHRA.

I trust a representative of the WEHRA will be in attendance at the licensing sub committee hearing and I now look forward to fluid discussion on this matter at hearing.

If I may be of further assistance, please do not hesitate to contact me.

Ruben Osie

Sent: Wednesday, July 19, 2017 at 4:29 PM
From: "Leigh's iphone"
To: "Ruben Osie" <
Cc:
Subject: Re: 14 LEOPOLD ROAD LICENSING APPLICATION - PROPOSED
CONDITIONS

Dear Ruben,

Thank you very much for your recent document. Everything looks satisfactory except for the proposed 'dispersal time.'

We suggest you amend as follows:

An absolute closing time of 11 pm from Monday to Thursday, a closing time of 11:30 pm on Friday and Saturday nights, and a closing time of 10:30 pm on Sunday.

I repeat, your shop immediately adjoins family homes. This small shopping parade on Leopold Rd is not the right location for a 'later night bar or drinking' establishment. Those belong in the town centre, with regular police patrols and better waste management services.

Should you be willing to accept these terms, WEHRA would be pleased to withdraw our objection to you Application.

Kind regards,
Leigh Terrafranca, for WEHRA

From:

Sent: 20 July 2017 09:00

To:

Cc: Licensing; Amy Dumitrescu; Elizabeth Macdonald;

Subject: Re: 14 LEOPOLD ROAD LICENSING APPLICATION - PROPOSED CONDITIONS

Mr Osie,

Unfortunately you have either misunderstood or are misrepresenting our views. **WEHRA is not satisfied with the later evening extension / 'dispersal' time. We do not wish to invite any drinkers to Leopold Rd after 11 pm from Sunday until Thursday. This will conflict with our Right to Quiet Enjoyment. I will reiterate what is acceptable to local residents:**

> Thank you very much for your recent document. Everything looks satisfactory except for the proposed 'dispersal time.'

>

> We suggest you amend as follows:

>

> An absolute closing time of 11 pm from Monday to Thursday, a closing time of 11:30 pm on Friday and Saturday nights, and a closing time of 10:30 pm on Sunday.

>

> I repeat, your shop immediately adjoins family homes. This small shopping parade on Leopold Rd is not the right location for a 'later night bar or drinking' establishment. Those belong in the town centre, with regular police patrols and better waste management services.

>

> Should you be willing to accept these terms, WEHRA would be pleased to withdraw our objection to you Application.

If you wish to discuss by phone, we can do that today or tomorrow. Otherwise, we will meet at the hearing, where we shall discuss the merits of the Shopping Parade and your part therein.

Sincerely,

Leigh Terrafranca, for WEHRA

This page is intentionally left blank